



Village Planning Committee Meeting Summary

Z-14-23-4

Date of VPC Meeting	September 11, 2023
Request From	R-5 SNSPD and C-1 SNSPD
Request To	C-1 SNSPD
Proposal	Retail convenience store with fuel sales
Location	Southwest corner of 15th Avenue and McDowell Road
VPC Recommendation	Approval, per the staff recommendation with an additional stipulation
VPC Vote	13-1-1

VPC DISCUSSION:

Two members of the public registered to speak on this item, one in support, one in opposition. One member of the public registered in support, not wishing to speak.

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation regarding the proposed rezoning. He described the location of the request, the surrounding area, the proposed zoning, and the proposed development, in addition to summarizing the staff recommendation and stipulations.

APPLICANT PRESENTATION

Brennan Ray, representing the applicant with Burch and Cracchiolo, provided a presentation regarding the proposal, highlighting that Circle K has been operating at the site for 53 years and that this proposal would represent a significant upgrade, including better architecture, lighting, and vehicular access improvements.

QUESTIONS FROM COMMITTEE

Committee Member Gaughan asked if there would be signage for the right-turn only exit. **Mr. Ray** stated he didn't know yet if signage would be allowed or required by Streets.

Committee Member Dana Johnson asked about the bicycle repair station. **Mr. Ray** replied with a description of the station. **Mr. Grande** noted that there are standards the city applies to the bicycle repair station.

Committee Member Martinez asked for clarification about the vehicular access points and that there will be no access from the alley. **Mr. Ray** provided clarification on vehicular access and confirmed there would be no access from the alley.

Committee Member Olivas asked whether traffic could enter the site turning left from 15th Avenue. **Mr. Ray** stated that would not be allowed. **Ms. Olivas** stated that the larger store is good for safety because it would have more employees, and asked about the timeline for development and whether the alley would be abandoned. **Mr. Ray** stated there would be no abandonment of the alley and that the timeline was not solidified but it would be longer than 9 months from now. **Ms. Olivas** asked about the neighborhood outreach. **Mr. Ray** described the neighborhood meeting for the case.

Committee Member Dana Johnson noted a potential crime issue with the space between the trash and the wall.

Committee Member Gaughan asked about a lighting plan for the alley. **Mr. Ray** stated they will work with the City in the site plan review process to include lighting in the alley.

Committee Member Starks asked about the authority to arrest agreement.

Committee Member Greenman provided clarification. **Dave Slacks**, representative with Circle K, stated that the authority to arrest allows the police to remove an individual from the site without employees of the store requesting it. **Ms. Starks** asked about how people are removed from the site. **Mr. Slacks** replied with details about the process.

Committee Member Panetta asked about the 40-foot dedication on 15th Avenue. **Mr. Grande** explained that it would require 7 feet of additional right-of-way than what is there today. **Mr. Panetta** asked about on-site security. **Mr. Slacks** stated that the site has a mobile safety patrol that goes to this store multiple times per night. **Ms. Olivas** noted that the description provided differed from what was provided at the neighborhood meeting and that the applicant should provide a correction to the community.

Committee Member Sherman asked about single-serving alcohol, blocked windows creating security issues, and about the number of employees expected at the new store. **Mr. Ray** replied that liquor sales would be governed by the liquor license process, the number of employees hasn't been determined yet, and the applicant will continue to review the security issue with windows.

Committee Member Panetta stated that there was no zoning-related reason to deny the request, but Circle K stores tend to have issues.

Committee Member Uss stated that Circle K could explore working with Phoenix Rescue Mission when removing people from the property.

Committee Member Vargas asked about truck access to the property. **Mr. Ray** replied that they can't guarantee a route for trucks, but the likely route shown on the site plan would be to enter from southbound 15th Avenue and exit onto McDowell Road.

Chair Gonzales asked if a study was done for truck movements. **Mr. Ray** replied that a study was done for truck movements on site.

PUBLIC COMMENTS

Jeff Densic introduced himself and spoke in opposition, stating that most retail lots are small lots and allowing the assemblage would change the dynamic of the area and that the development should be more responsive to the historic neighborhood.

Byron Sampson introduced himself and spoke in support, noting the need for the larger store and the positive presence of lighting in the project.

APPLICANT RESPONSE

Mr. Ray stated that the right-in right-out on 15th Avenue was requested by the Street Transportation Department and that it will be a raised curb, not simply striped. He further noted that the applicant will add pole lighting where the city allows it, in order to enhance safety.

Committee Member Martinez asked about the removal of trees on site. **Mr. Ray** replied that the trees would be removed for a complete redevelopment of the site.

Committee Member Uss stated that comments in support of lighting can be sent to the city.

MOTION

Jordan Greenman made a motion to recommend approval of Z-14-23-4, per the staff recommendation with the additional stipulation that in-person full-time security, dedicated to this store, shall be provided 8 hours per day on site. **Eva Olivas** seconded the motion for approval per the staff recommendation with the additional stipulation.

VOTE

13-1-1, Motion to recommend approval of Z-14-23-4, per the staff recommendation with the additional stipulation passed, with Committee Members Burton, Gaughan, Greenman, Johnson, Lockhart, Martinez, Nervis, Olivas, Panetta, Sherman, Sonoskey, Uss, and Vargas in favor; Committee Member Gonzales opposed; Committee Member Starks abstaining.

VPC RECOMMENDED STIPULATIONS:

1. The maximum building height shall be 23 feet.
2. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near the building entrance and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
3. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
4. A minimum of 5% of the required parking spaces shall be EV Installed.
5. Site lighting shall be provided at building entrances/exits and in the parking and refuse areas, as approved by the Planning and Development Department. All on-site lighting shall be shielded to prevent direct visibility of the light source from residential properties to the south.
6. Video surveillance shall be maintained to monitor activities in and around the store to discourage alcohol violations and unlawful activities.
7. An “authority to arrest” agreement shall be completed and maintained by the property owner. The agreement shall be signed and delivered to the Phoenix Police Department.
8. “No Trespassing” signs shall be posted per Phoenix City Code on the exterior of the building in both English and Spanish.
9. A 10-foot sidewalk easement shall be dedicated for the south side of McDowell Road, as approved by the Planning and Development Department.
10. The developer shall dedicate a minimum 40 feet of right-of-way for the west side of 15th Avenue, adjacent to the development, as approved by the Planning and Development Department.
11. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the south side of McDowell Road, planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 12. A minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the west side of 15th Avenue, planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
- b. Shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 13. The developer shall provide a singular, 40-foot-wide P-1255-2 access point on McDowell Road at the westernmost property line. All other existing access points on McDowell Road shall be removed.
- 14. The developer shall provide a limited access P-1243-2 right in/right out driveway on 15th Avenue.
- 15. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 16. The developer shall dedicate right-of-way and construct a new bus stop pad on southbound 15th Avenue. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from McDowell Road according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide a minimum 50% shade coverage to the bus stop pad at full maturity.

17. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
18. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
19. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
20. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
21. **IN-PERSON FULL-TIME SECURITY, DEDICATED TO THIS STORE, SHALL BE PROVIDED 8 HOURS PER DAY ON SITE.**

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff does not recommend the addition of Stipulation No. 21. The provision of on-site security is related to the operation of the site post-construction for a specific user, and is not appropriate as a stipulation for zoning entitlement.